



Express Mail No. EV336593428US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ralf M. Luche and Bo Wei  
Application No. : 09/964,277  
Filed : September 25, 2001  
For : DSP-16 DUAL SPECIFICITY PHOSPHATASE

Examiner : YU, Misook  
Art Unit : 1642  
Docket No. : 200125.434  
Date : December 8, 2003

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement mailed by the U.S. Patent and Trademark Office (hereinafter, "PTO") on September 8, 2003, please extend the period of time for response two (2) months, to expire on December 8, 2003. Enclosed are a Petition for an Extension of Time and the requisite fee.

Applicants hereby elect Group XV, claims 51-58 and 60-63, directed to isolated polynucleotides, vectors comprising such polynucleotides, host cells comprising such vectors, and a method for making a polypeptide encoded by the polynucleotides, for examination at this time.

Applicants respectfully note that the Restriction Requirement incorrectly referred to Groups II and XV as being directed to polypeptides rather than to the recited subject matter, which includes isolated polynucleotides, related compositions, and methods. Applicants also note that claim 94, directed to a DSP-16 alternate form substrate trapping mutant polypeptide, was not listed in any of the Groups.

In view of the above election, Applicants hereby request that claims 1-50, 59, and 64-98 be withdrawn from consideration without prejudice to the filing of any related divisional, continuation, or continuation-in-part application. Additionally, although moot in view of the instant election, Applicants reserve the right to traverse in such future applications any restriction of the application into the inventions of Groups I – XIV and XVI – XXVI as asserted by the PTO in the instant application.

Favorable consideration of the elected claims is now requested.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



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**TRANSMITTAL  
FORM**(To be used for all correspondence  
after initial filing)

Application Number	09/964,277
Filing Date	September 25, 2001
First Named Inventor	Ralf M. Luch
Art Unit	1642
Examiner Name	YU, Miso k
Attorney Docket No.	200125.434

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- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                        | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> CD(s), Number of CD(s) _____                                      |
| <input checked="" type="checkbox"/> Fee Attached                                | <input type="checkbox"/> Request for Corrected Filing Receipt                            | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Response to Restriction Requirement         | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Affidavits/declaration(s)                              | <input type="checkbox"/> Petition to Convert to a Provisional Application                | <input type="checkbox"/> Proprietary Information   |
| <input checked="" type="checkbox"/> Extension of Time Request                   | <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Declaration   | <input checked="" type="checkbox"/> Return Receipt Postcard                                |
| <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449        | <input type="checkbox"/> Statement under 37 CFR 3.73(b)                                  | <input type="checkbox"/> Additional Enclosure(s) (please identify below):                  |
| <input type="checkbox"/> Cited References                                       | <input type="checkbox"/> Terminal Disclaimer   | _____  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> Request for Refund  | _____  |
| <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 |  | _____  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application       |  | _____  |

**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	Mae Joanne Rosok Reg. No. 48,903	Customer Number <b>00500</b>
Signature	<i>Mae Joanne Rosok</i>	
Date	December 8, 2003	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name		
Signature		Date:



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# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) **210.00**

Complete if Known

Application Number **09/964,277**

Filing Date **September 25, 2001**

First Named Inventor **Ralf M. Luche**

Examiner Name **YU, Misook**

Art Unit **1642**

Attorney Docket No. **200125.434**

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## METHOD OF PAYMENT

☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:

Deposit Account Number **19-1090**  
Deposit Account Name **Seed Intellectual Property Law Group PLLC**

The Director is authorized to (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ **210**)

## SUBMITTED BY

Name (Print/Type) **Mae Joanne Ros k**  
Signature *Mae Joanne Rosk*

Registration No. **48,903**  
Attorney/Agent

Date **December 8, 2003**

Customer Number

**00500**